



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

AUG 28 2018

URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
SENT VIA UNITED PARCEL SERVICE

Eugene Collins
Deputy Assistant Secretary
Environment, Safety and Occupational Health
United States Department of the Army
110 Army Pentagon
Room 3D453
Washington, DC 20310-0110

Dear Mr. Collins:

The purpose of this letter is to notify the U.S. Army of its potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA, (commonly known as the Federal Superfund law) that the U.S. Army may have incurred with respect to the U.S. Technology site, located at 7627 Zero Road in Berger, Franklin County, Missouri, or the Site. This letter also notifies the U.S. Army of forthcoming removal activities at the Site and requests that it enter into a tolling agreement for response costs for cleanup of the Site.

Hydromex, Inc. was a facility that manufactured concrete blocks. The facility was planning to mix spent blast media, or SBM, with cement to manufacture concrete blocks. SBM, which is generated from aircraft paint stripping operation and maintenance, contains heavy metals including cadmium, chromium and lead. Numerous generators, including the Fort Riley Military Base and three United Set Fielding, or USF, locations, arranged for the disposal of the SBM with US Technology Corporation, or US Tech, which transported the SBM to the Site. On June 25, 2002, the U.S. Environmental Protection Agency and the Mississippi Department of Environmental Quality, or MDEQ, conducted an inspection of the facility after a citizen's complaint. The investigation revealed that Hydromex, Inc., after accepting tons of SBM, stopped producing cement blocks because they did not meet strength requirements. Hydromex, Inc. excavated trenches onsite, filled them with the blocks and SBM and capped them with concrete. On July 23, 2009, US Tech agreed to conduct onsite corrective actions to address the SBM material under an MDEQ order; however, the work has not been completed under the order. Attached is a General Notice Letter from EPA Region 4 further describing the Hydromex Site.

In late 2013, US Tech moved approximately nine (9) million pounds of SBM from the Hydromex Site to the U.S. Technology Site in Berger, Missouri. The SBM waste was transported in supersacks under bills of lading. On September 21, 2016, the EPA Region 7 and US Tech entered into a Consent Agreement and Final Order, or CAFO, which required US Tech to perform cleanup of the SBM at the Berger, Missouri site. US Tech failed to comply with the CAFO, and the EPA Region 7 Resource Conservation

& Recovery Act program has referred the Site to the EPA Region 7 Assessment Emergency Response & Removal Branch, or AERR, for a removal site evaluation, or RSE. The EPA AERR is responsible for responding to the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment, that is, for stopping further contamination from occurring, and for cleaning up or otherwise addressing contamination that has already occurred. On May 7-8, 2018, the EPA AERR conducted a RSE in accordance with Title 40 of the Code of Federal Regulations Section 300.410. The EPA RSE documented that such a release has occurred at the U.S. Technology Site located in Berger, Missouri. On July 9-12, 2018, the EPA AERR conducted an inventory of containers to evaluate quantity and gather additional information. In addition, the EPA has spent, and is considering spending, public funds to remove and properly dispose of hazardous substances at the U.S. Technology Site in Berger, Missouri.

Explanation of Potential Liability

Potentially responsible parties, or PRPs, under CERCLA include current and former owners and operators of a site as well as persons who arranged for disposal or treatment of hazardous substances sent to the site, or persons who accepted hazardous substances for transport to a site. Under CERCLA, PRPs may be obligated to implement response actions to protect health, welfare or the environment. PRPs may also be liable for the costs incurred by the United States in responding to any release or threatened release at a site. In addition, PRPs may be required to pay for damages for injury to natural resources or for their destruction or loss, together with the cost of assessing such damages. Where the site conditions present an imminent and substantial endangerment to human health, welfare or the environment, the EPA may also issue an administrative order under CERCLA to require PRPs to undertake cleanup activities.

Based on the information collected, the EPA believes that the U.S. Army may be liable, under Section 107(a) of CERCLA, as an arranger for the disposal or treatment of hazardous substances (generated at the Ft. Riley and USF) sent to the Site.

Planned Site Response Activities

The EPA plans to take a fund-lead removal action at the Site which may include, but may not be limited to, the following:

- Secure access to the Site, and control access to the Site during removal activities;
- Transport and dispose of any hazardous wastes as defined by CERCLA or exceeding site-specific cleanup goals to an EPA-approved treatment/disposal facility;
- Conduct post-disposal sampling to verify that all hazardous substances have been removed; and
- Develop plans required to perform the above activities.

PRP Response

You should contact the EPA if the U.S. Army is interested in entering into a Tolling Agreement for response costs incurred by EPA during implementation of the site response activities described above. If the U.S. Army chooses to enter into negotiations with the EPA to enter into a Tolling Agreement, kindly notify the EPA within five (5) days of your receipt of this letter by contacting the EPA attorney assigned to this matter, Kelley Catlin, Assistant Regional Counsel, at (913) 551-7110 or via email to Catlin.Kelley@epa.gov. Ms. Catlin will thereafter arrange for transmittal of a draft proposed Tolling

Agreement to the U.S. Army and initiate a brief period of formal negotiations.

If the EPA does not receive a timely notice of the U.S. Army's intent to participate in negotiations of a Tolling Agreement for response costs generated by the EPA during implementation for site response activities, the EPA will assume that the U.S. Army declines any involvement in funding the response activities.

Information to Assist You

The EPA will establish an Administrative Record that contains documents that serve as the basis for the EPA's selection of a cleanup action for the Site. The Administrative Record will be made available at a location near the Site. The Administrative Record will also be available for inspection at the Superfund Records Center, the EPA Region 7, 11201 Renner Boulevard, Lenexa, Kansas.

Please give these matters your immediate attention and consider consulting with an attorney. Any legal questions regarding this letter should be addressed to Ms. Catlin as noted above. For technical questions, please contact Joe Davis, On-Scene Coordinator, at (913) 551-7909. Thank you for your prompt attention to this matter.

Sincerely,



Mary P. Peterson
Director
Superfund Division

Attachment: General Notice Letter, Yazoo City Site

cc: Karin Leff, EPA HQ
Harry H. Kelso, DoD
Kathy Flippin, MDNR
Danny Lyskowski, MDNR
Scott Schacter, EDS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

AUG 14 2018

URGENT LEGAL MATTER
PROMPT REPLY NECESSARY
SENT VIA UNITED PARCEL SERVICE

Eugene Collins
Deputy Assistant Secretary
Environment, Safety and Occupational Health
United States Department of the Army
110 Army Pentagon
Room 3D453
Washington, DC 20310-0110

Dear Mr. Collins:

The purpose of this letter is to notify the U.S. Army of its potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), (commonly known as the Federal Superfund law) that the U.S. Army may have incurred with respect to the Hydromex Superfund Site, located at 700 S. Industrial Parkway in Yazoo City, Yazoo County, Mississippi (the Site). This letter also notifies the U.S. Army of forthcoming removal activities at the Site and requests that it perform or finance such activities.

Hydromex, Inc. was a facility that manufactured concrete blocks. The facility was planning to mix spent blast media (SBM) with cement to manufacture concrete blocks. SBM, which is a waste generated from airplane paint stripping operation and maintenance, contains hazardous substances including cadmium, chromium and lead. Numerous generators, including the Fort Riley and three United Set Fielding (USF) locations, arranged for the disposal of the SBM with US Technology Corporation (US Tech) which transported the SBM to the Site. On June 25, 2002, the U.S. Environmental Protection Agency and the Mississippi Department of Environmental Quality (MDEQ) conducted an inspection of the facility after a citizen's complaint. The investigation revealed that Hydromex, Inc., after accepting tons of SBM, stopped producing cement blocks because they did not meet strength requirements. Hydromex, Inc. excavated trenches onsite, filled them with the blocks made with SBM and unused SBM and capped them with concrete.

On July 23, 2009, US Tech agreed to conduct onsite corrective actions to address the SBM material under a MDEQ order; however, the work has not been completed under the order, and the EPA Region 4 Resource Conservation & Restoration Division has referred the Site to the EPA Region 4 Emergency Response, Removal and Prevention Branch (ERRPB) for a removal site evaluation (RSE). The EPA ERRPB is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment, that is, for stopping further contamination from occurring, and for cleaning up or otherwise addressing contamination that has already occurred.

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

On May 3, 2018, the EPA ERRPB conducted a RSE in accordance with Title 40 of the Code of Federal Regulations Section 300.410. The EPA RSE documented that such a release has occurred at the Site. In addition, the EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site.

Explanation of Potential Liability

Potentially responsible parties (PRPs) under CERCLA include current and former owners and operators of a site as well as persons who arranged for disposal or treatment of hazardous substances sent to the site, or persons who accepted hazardous substances for transport to a site. Under CERCLA, PRPs may be obligated to implement response actions to protect health, welfare or the environment. PRPs may also be liable for the costs incurred by the United States in responding to any release or threatened release at a site. In addition, PRPs may be required to pay for damages for injury to natural resources or for their destruction or loss, together with the cost of assessing such damages. Where the site conditions present an imminent and substantial endangerment to human health, welfare or the environment, the EPA may also issue an administrative order under CERCLA to require PRPs to commence cleanup activities.

Based on the information collected, the EPA believes that the U.S. Army may be liable, under Section 107(a) of CERCLA, as an arranger for the disposal or treatment of hazardous substances (generated at the Fort Riley and USFs) sent to the Site property.

Planned Site Response Activities

A removal action at the Site may include but not be limited to the following components:

- Provide for access to the Site, and control access to the Site during removal activities;
- Within 30 days of receipt of this letter, cover and secure the SBM to prevent the material from migrating due to rain, wind or human activity;
- Transport and dispose of any hazardous wastes as defined by CERCLA or exceeding site-specific cleanup goals to an EPA-approved facility;
- Conduct post-disposal sampling to verify that all hazardous substances have been removed;
- Develop plans required to perform the removal activities.

PRP Response

You should contact the EPA if the U.S. Army is interested in participating in negotiations to perform or finance the above described response actions at this Site. If the U.S. Army chooses to enter into negotiations with the EPA regarding its performance of the above-described response action, kindly notify the EPA within five (5) days of your receipt of this letter by contacting the EPA attorney assigned to this matter, Joan Redleaf Durbin, Associate Regional Counsel, at (404) 562-9544 or via email to Redleaf-Durbin.Joan@epa.gov. Ms. Redleaf-Durbin will thereafter arrange for transmittal of a draft proposed Administrative Order on Consent to the U.S. Army and initiate a brief period of formal negotiations.

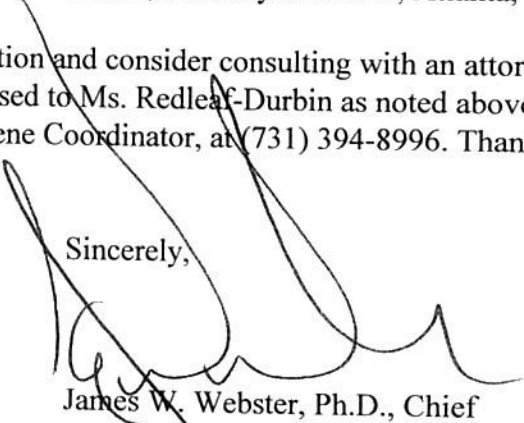
If the EPA does not receive a timely notice of the U.S Army's intent to participate in negotiations to perform the response activities, the EPA will assume that the U.S. Army does not wish to perform or otherwise participate in the response actions at the Site, and that it declines any involvement in funding the response activities.

Information to Assist You

The EPA will establish an Administrative Record that contains documents that serve as the basis for the EPA's selection of a cleanup action for the Site. The Administrative Record will be made available at a location near the Site. The Administrative Record will also be available for inspection at the Superfund Records Center, the EPA Region 4, Atlanta Federal Center, 61 Forsyth St. SW, Atlanta, GA.

Please give these matters your immediate attention and consider consulting with an attorney. Any legal questions regarding this letter should be addressed to Ms. Redleaf-Durbin as noted above. For technical questions, please contact Steve Spurlin, On-Scene Coordinator, at (731) 394-8996. Thank you for your prompt attention to this matter.

Sincerely,



James W. Webster, Ph.D., Chief
Emergency Response, Removal and
Prevention Branch
Superfund Division

cc: Harry H. Kelso
Deputy General Counsel
Environment, Energy and Installations

Karin Leff
Acting Director
Federal Facilities Enforcement Office, EPA HQ

Lynn Chambers, MDEQ
Groundwater Assessment & Remediation Division, MDEQ